

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY KINDER,)	
Plaintiff,)	
)	No. 1:10-cv-405
-v-)	
)	HONORABLE PAUL L. MALONEY
NORTHWESTERN BANK,)	
Defendant.)	
_____)	

JUDGMENT

The parties reached a settlement agreement in this class-action lawsuit. After certifying the class, notice of the settlement was provided to class members. No class members filed a claim. No objections were filed. The Court held a fairness hearing and determined the settlement was fair, reasonable and adequate. Northwestern Bank has tendered \$200,000.00 (“Settlement Fund”) into an escrow account. As required by Federal Rule of Civil Procedure 58, **JUDGMENT** enters in favor of Plaintiff and against Defendant.

1. As explained in Paragraph 2.3 of the Settlement Agreement, the Class Settlement Administrator shall distribute the Settlement Fund as follows:

- a. Geoffrey Bestor, as Class Settlement Administrator, shall receive \$3,820.06 as reimbursement for the Notice Costs (Settlement Agreement ¶ 2.3B and ECF No. 68-1 “Bestor Aff.” ¶ 4);
- b. Nancy Kinder, as Class Representative, shall receive \$2,000.00 (Settlement Agreement ¶ 2.3C);
- c. Geoffrey Bestor, as Class Counsel, shall receive \$50,000.00 for all reasonable attorney fees and costs (Settlement Agreement ¶ 2.3D; *see* ECF Nos. 53 and 55);
- d. The remaining amount in the Settlement Fund shall be divided so that thirty percent

(30%) shall be paid as a *cy pres* award to the Interlochen Summer Arts Camp and seventy percent (70%) shall be paid as a *cy pres* award to the Jerry Lewis MDA/ALS Clinical and Research Center of the University of Southern California Medical Center (Settlement Agreement ¶ 2.3F).

2. Class Counsel shall file an affidavit within 30 days of the date of this Order attesting to the execution of this Judgment.
3. All claims and causes of action against Northwestern Bank by class members for the Bank's alleged failure to provide adequate notice of fees at the automatic teller machines identified within the Settlement Agreement ¶ 2.1 during the relevant time period are released.

Date: November 5, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge